

Page 4, beginning in line 7, strike "neither the United States nor any agency or officer thereof was," and insert "the agency was not".

Page 3, line 21, strike "of following" and insert "the following".

Page 5, line 20, strike "of following" and insert "the following".

Page 4, line 19, insert before the period the following: "unless the precedents in a majority of other United States courts of appeals supports the position of the agency".

It was decided in the { Yeas 172
negative } Nays 238

¶9.8 [Roll No. 19] AYES—172

Abercrombie	Hinchey	Obey
Ackerman	Hinojosa	Oliver
Allen	Holden	Ortiz
Andrews	Hooley	Owens
Baessler	Hoyer	Pallone
Baldacci	Jackson (IL)	Pascarell
Barcia	Jackson-Lee	Pastor
Barrett (WI)	(TX)	Payne
Becerra	Jefferson	Petri
Bentsen	Johnson (WI)	Pomeroy
Berman	Johnson, E. B.	Price (NC)
Blagojevich	Kanjorski	Quinn
Blumenauer	Kaptur	Rahall
Bonior	Kennedy (MA)	Rangel
Borski	Kennedy (RI)	Reyes
Brown (CA)	Kildee	Rivers
Brown (OH)	Kilpatrick	Rothman
Cardin	Kind (WI)	Roybal-Allard
Carson	Klecza	Rush
Clay	Kucinich	Sabo
Clayton	LaFalce	Sanchez
Clyburn	Lampson	Sanders
Conyers	Lantos	Sandlin
Coyne	Levin	Sawyer
Cummings	Lewis (GA)	Schumer
Danner	LoBiondo	Scott
Davis (IL)	Lofgren	Serrano
DeFazio	Lowey	Sherman
DeGette	Maloney (CT)	Skaggs
Delahunt	Maloney (NY)	Skelton
Deutsch	Manton	Slaughter
Dicks	Markey	Snyder
Dingell	Martinez	Spratt
Dixon	Mascara	Stabenow
Doggett	McCarthy (MO)	Stark
Doyle	McCarthy (NY)	Stokes
Edwards	McDermott	Strickland
Engel	McGovern	Stupak
Eshoo	McHale	Tauscher
Etheridge	McHugh	Thompson
Evans	McIntyre	Thurman
Farr	McKinney	Tierney
Fattah	McNulty	Torres
Fazio	Meehan	Towns
Filner	Meek (FL)	Turner
Fox	Meeks (NY)	Velazquez
Frank (MA)	Menendez	Vento
Frost	Millender-	Visclosky
Furse	McDonald	Walsh
Gilman	Mink	Waters
Green	Moakley	Watt (NC)
Gutierrez	Mollohan	Waxman
Hall (OH)	Moran (VA)	Wexler
Hamilton	Morella	Weygand
Harman	Murtha	Wise
Hastings (FL)	Nadler	Woolsey
Hefner	Neal	Wynn
Hilliard	Oberstar	Yates

NOES—238

Aderholt	Boehner	Christensen
Archer	Bonilla	Clement
Armey	Boswell	Coble
Bachus	Boyd	Coburn
Baker	Brady	Collins
Ballenger	Bryant	Combest
Barr	Bunning	Condit
Barrett (NE)	Burr	Cook
Bartlett	Burton	Cooksey
Barton	Buyer	Costello
Bass	Callahan	Cox
Bateman	Calvert	Cramer
Bereuter	Camp	Crane
Berry	Campbell	Crapo
Bilbray	Canady	Cubin
Bilirakis	Cannon	Cunningham
Bishop	Castle	Davis (FL)
Bliley	Chabot	Davis (VA)
Blunt	Chambliss	Deal
Boehlert	Chenoweth	DeLay

Diaz-Balart	Jones	Rogers
Dickey	Kasich	Rohrabacher
Dooley	Kelly	Ros-Lehtinen
Doolittle	Kim	Roukema
Dreier	King (NY)	Royce
Duncan	Kingston	Ryun
Dunn	Klug	Salmon
Ehlers	Knollenberg	Sanford
Ehrlich	Kolbe	Saxton
Emerson	LaHood	Scarborough
English	Largent	Schaefer, Dan
Ensign	Latham	Schaffer, Bob
Everett	LaTourette	Sensenbrenner
Ewing	Lazio	Sessions
Fawell	Leach	Shadegg
Foley	Lewis (CA)	Shaw
Forbes	Linder	Shays
Fossella	Lipinski	Shimkus
Fowler	Livingston	Shuster
Franks (NJ)	Lucas	Sisisky
Frelinghuysen	Manzullo	Skeen
Galleghy	Matsui	Smith (MI)
Ganske	McCollum	Smith (NJ)
Gekas	McCrery	Smith (OR)
Gibbons	McDade	Smith (TX)
Gilchrist	McInnis	Smith, Adam
Gillmor	McIntosh	Smith, Linda
Goode	McKeon	Snowbarger
Goodlatte	Metcalfe	Solomon
Goodling	Miller (FL)	Souder
Gordon	Minge	Spence
Goss	Moran (KS)	Stearns
Graham	Myrick	Stenholm
Granger	Nethercutt	Stump
Greenwood	Neumann	Sununu
Gutknecht	Ney	Talent
Hall (TX)	Northup	Tanner
Hansen	Norwood	Tauzin
Hastert	Nussle	Taylor (MS)
Hastings (WA)	Oxley	Taylor (NC)
Hayworth	Packard	Thomas
Hefley	Pappas	Thornberry
Hefner	Parker	Thune
Hill	Paul	Tiahrt
Hilleary	Pease	Trafigant
Hobson	Peterson (MN)	Upton
Hoekstra	Peterson (PA)	Wamp
Horn	Pickering	Watkins
Hostettler	Pickett	Watts (OK)
Houghton	Pitts	Weldon (FL)
Hulshof	Pombo	Weldon (PA)
Hunter	Porter	Weller
Hutchinson	Portman	White
Hyde	Pryce (OH)	Whitfield
Inglis	Radanovich	Wicker
Istook	Ramstad	Wolf
Jenkins	Regula	Young (AK)
John	Riley	Young (FL)
Johnson (CT)	Roemer	
Johnson, Sam	Rogan	

NOT VOTING—20

Boucher	Kennelly	Pelosi
Brown (FL)	Klink	Poshard
DeLauro	Lewis (KY)	Redmond
Ford	Luther	Riggs
Gedensson	Mica	Rodriguez
Gephardt	Miller (CA)	Schiff
Gonzalez	Paxon	

So the amendment was not agreed to.
After some further time,

The SPEAKER pro tempore, Mr. COMBEST, assumed the Chair.

When Mr. SNOWBARGER, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶9.9 PROVIDING FOR THE CONSIDERATION OF H.R. 2181

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 366):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes. The first reading of the bill shall be dispensed

with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered.
After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶9.10 WITNESS PROTECTION AND INTERSTATE LOCATION

The SPEAKER pro tempore, Mr. EWING, pursuant to House Resolution 366 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes.

The SPEAKER pro tempore, Mr. EWING, by unanimous consent, designated Mr. SNOWBARGER as Chairman of the Committee of the Whole; and after some time spent therein,

¶9.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CONYERS:

Page 3, after line 14, insert the following:

SEC. 103. FURTHER CONSIDERATION OF DEATH SENTENCE RECOMMENDATION.

(a) IN GENERAL.—Section 3591(a) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a defendant who has been found guilty of an offense described in section 1512(j) or 1952(b) for which a sentence of death is provided shall not be sentenced to

death but shall be sentenced to life imprisonment if court has any doubt that the defendant actually committed the offense.”.

(b) CONFORMING AMENDMENT.—Section 3594 of title 18, United States Code, is amended in the first sentence by inserting “, subject to the second sentence of section 3591(a)” before the period.

It was decided in the { Yeas 113
negative { Nays 300

9.12 [Roll No. 20]
AYES—113

Abercrombie	Hinchey	Neal
Ackerman	Hoekstra	Oberstar
Allen	Hooley	Obey
Baldacci	Jackson (IL)	Olver
Barrett (WI)	Jackson-Lee	Owens
Becerra	(TX)	Pappas
Berman	Johnson (WI)	Paul
Blumenauer	Johnson, E. B.	Payne
Bonior	Kennedy (MA)	Rahall
Brown (CA)	Kennedy (RI)	Rangel
Brown (OH)	Kildee	Rivers
Carson	Kilpatrick	Roybal-Allard
Clay	Kind (WI)	Rush
Clayton	Klecza	Sabo
Clyburn	Klug	Sanders
Conyers	Kucinich	Sawyer
Coyne	LaFalce	Scott
Cummings	Levin	Serrano
Davis (IL)	Lewis (GA)	Skaggs
DeFazio	Lowe	Slaughter
DeGette	Maloney (NY)	Stabenow
Delahunt	Markley	Stark
Dixon	Martinez	Stokes
Ehlers	McCarthy (MO)	Stupak
Engel	McCarthy (NY)	Thompson
Eshoo	McDermott	Thurman
Evans	McGovern	Tierney
Fattah	McKinney	Torres
Filner	McNulty	Towns
Frank (MA)	Meehan	Velazquez
Furse	Meek (FL)	Vento
Goodling	Meeks (NY)	Waters
Gutierrez	Millender-	Watt (NC)
Gutknecht	McDonald	Waxman
Hall (OH)	Minge	Weygand
Hamilton	Mink	Wise
Hastings (FL)	Moakley	Yates
Hefner	Mollohan	
Hilliard	Nadler	

NOES—300

Aderholt	Cardin	Etheridge
Andrews	Castle	Everett
Archer	Chabot	Ewing
Armey	Chambliss	Farr
Bachus	Chenoweth	Fawell
Baessler	Christensen	Fazio
Baker	Clement	Foley
Ballenger	Coble	Forbes
Barcia	Coburn	Fossella
Barr	Collins	Fowler
Barrett (NE)	Combest	Fox
Bartlett	Condit	Franks (NJ)
Barton	Cook	Frelinghuysen
Bass	Cooksey	Frost
Bateman	Costello	Gallegly
Bentsen	Cox	Ganske
Bereuter	Cramer	Gekas
Berry	Crane	Gephardt
Bilbray	Crapo	Gibbons
Bilirakis	Cubin	Gilchrest
Bishop	Cunningham	Gillmor
Blagojevich	Danner	Gilman
Bliley	Davis (FL)	Goode
Blunt	Davis (VA)	Goodlatte
Boehlert	Deal	Gordon
Boehner	DeLay	Goss
Bonilla	Deutsch	Graham
Borski	Diaz-Balart	Granger
Boswell	Dickey	Green
Boucher	Dicks	Greenwood
Boyd	Dingell	Hall (TX)
Brady	Doggett	Hansen
Bryant	Dooley	Harman
Bunning	Doolittle	Hastert
Burr	Doyle	Hastings (WA)
Burton	Dreier	Hayworth
Buyer	Duncan	Hefley
Callahan	Dunn	Herger
Calvert	Edwards	Hill
Camp	Ehrlich	Hilleary
Campbell	Emerson	Hinojosa
Canady	English	Hobson
Cannon	Ensign	Holden

Horn	Miller (FL)	Sensenbrenner
Hostettler	Moran (KS)	Sessions
Houghton	Moran (VA)	Shadegg
Hoyer	Morella	Shaw
Hulshof	Murtha	Shays
Hunter	Myrick	Sherman
Hutchinson	Nethercutt	Shimkus
Hyde	Neumann	Shuster
Inglis	Ney	Sisisky
Istook	Northup	Skeen
Jefferson	Norwood	Skelton
Jenkins	Nussle	Smith (MI)
John	Ortiz	Smith (OR)
Johnson (CT)	Oxley	Smith (TX)
Johnson, Sam	Packard	Smith, Adam
Jones	Pallone	Smith, Linda
Kanjorski	Parker	Snowbarger
Kaptur	Pascrell	Snyder
Kasich	Pastor	Solomon
Kelly	Pease	Souder
Kim	Peterson (MN)	Spence
King (NY)	Peterson (PA)	Spratt
Kingston	Petri	Stearns
Knollenberg	Pickering	Stenholm
Kolbe	Pickett	Strickland
LaHood	Pitts	Stump
Lampson	Pombo	Sununu
Lantos	Pomeroy	Talent
Largent	Porter	Tanner
Latham	Portman	Tauscher
LaTourette	Price (NC)	Tauzin
Lazio	Pryce (OH)	Taylor (MS)
Leach	Quinn	Taylor (NC)
Lewis (CA)	Radanovich	Thomas
Lewis (KY)	Ramstad	Thornberry
Linder	Redmond	Thune
Lipinski	Regula	Tiahrt
Livingston	Reyes	Trafigant
LoBiondo	Riley	Turner
Lofgren	Roemer	Upton
Lucas	Rogan	Visclosky
Maloney (CT)	Rogers	Walsh
Manton	Rohrabacher	Wamp
Manzullo	Ros-Lehtinen	Watkins
Mascara	Rothman	Watts (OK)
Matsui	Roukema	Weldon (FL)
McCollum	Royce	Weldon (PA)
McCrery	Ryun	Weller
McDade	Salmon	Wexler
McHale	Sanchez	White
McHugh	Sandlin	Whitfield
McInnis	Sanford	Wicker
McIntosh	Saxton	Wolf
McIntyre	Scarborough	Woolsey
McKeon	Schaefer, Dan	Wynn
Menendez	Schaffer, Bob	Young (AK)
Metcalf	Schumer	Young (FL)

NOT VOTING—17

Brown (FL)	Klink	Poshard
DeLauro	Luther	Riggs
Ford	Mica	Rodriguez
Gedjenson	Miller (CA)	Schiff
Gonzalez	Paxon	Smith (NJ)
Kennelly	Pelosi	

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LAZIO, assumed the Chair.

When Mr. SNOWBARGER, Chairman, pursuant to House Resolution 366, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAZIO, announced that the yeas had it.

Mr. MCCOLLUM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 366
Nays 49
Answered present 1

9.13 [Roll No. 21]
YEAS—366

Abercrombie	Edwards	King (NY)
Ackerman	Ehlers	Kingston
Aderholt	Ehrlich	Klecza
Allen	Emerson	Klug
Andrews	Engel	Knollenberg
Archer	English	Kolbe
Armey	Ensign	LaHood
Bachus	Eshoo	Lampson
Baessler	Etheridge	Lantos
Baker	Evans	Largent
Baldacci	Everett	Latham
Ballenger	Ewing	LaTourette
Barcia	Farr	Lazio
Barr	Fawell	Leach
Barrett (NE)	Fazio	Levin
Bartlett	Filner	Lewis (CA)
Barton	Foley	Lewis (KY)
Bass	Forbes	Linder
Bateman	Fossella	Lipinski
Becerra	Fowler	Livingston
Bentsen	Fox	LoBiondo
Bereuter	Frank (MA)	Lofgren
Berman	Franks (NJ)	Lowe
Berry	Frelinghuysen	Lucas
Bilbray	Frost	Maloney (CT)
Bilirakis	Gallegly	Maloney (NY)
Bishop	Ganske	Manton
Blagojevich	Gejdenson	Manzullo
Bliley	Gekas	Markley
Blumenauer	Gephardt	Mascara
Blunt	Gibbons	Matsui
Boehlert	Gilchrest	McCarthy (MO)
Boehner	Gillmor	McCarthy (NY)
Bonilla	Gilman	McCollum
Borski	Goode	McCrery
Boswell	Goodlatte	McDade
Boucher	Goodling	McHale
Boyd	Gordon	McHugh
Brady	Goss	McInnis
Bryant	Graham	McIntosh
Bunning	Granger	McIntyre
Burr	Green	McKeon
Burton	Greenwood	McNulty
Buyer	Gutierrez	Meehan
Callahan	Gutknecht	Menendez
Calvert	Hall (TX)	Metcalf
Camp	Hamilton	Millender-
Campbell	Hansen	McDonald
Canady	Harman	Miller (FL)
Cannon	Hastert	Minge
Cardin	Hastings (WA)	Moakley
Carson	Hayworth	Moran (KS)
Castle	Hefley	Moran (VA)
Chabot	Hefner	Morella
Chambliss	Herger	Murtha
Chenoweth	Hill	Myrick
Christensen	Hilleary	Nethercutt
Clement	Hinojosa	Neumann
Coble	Hobson	Ney
Coburn	Hoekstra	Northup
Collins	Holden	Norwood
Combest	Hooley	Nussle
Condit	Horn	Obey
Cook	Hostettler	Olver
Cooksey	Houghton	Ortiz
Costello	Hoyer	Oxley
Coyne	Hulshof	Packard
Cramer	Hunter	Pallone
Crane	Hutchinson	Pappas
Crapo	Hyde	Parker
Cubin	Inglis	Pascrell
Cunningham	Istook	Pastor
Danner	Jackson-Lee	Pease
Davis (FL)	(TX)	Peterson (MN)
Davis (VA)	Jefferson	Peterson (PA)
Deal	Jenkins	Petri
DeFazio	John	Pickering
DeLauro	Johnson (CT)	Pickett
Deutsch	Johnson (WI)	Pitts
Diaz-Balart	Johnson, E. B.	Pombo
Dickey	Johnson, Sam	Pomeroy
Dicks	Jones	Porter
Dingell	Kanjorski	Portman
Dixon	Kaptur	Price (NC)
Doggett	Kasich	Pryce (OH)
Dooley	Kelly	Quinn
Doolittle	Kennedy (MA)	Radanovich
Doyle	Kennelly	Rahall
Dreier	Kildee	Ramstad
Duncan	Kim	Redmond
Dunn	Kind (WI)	Regula